

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

JOHN BELL,	:	CIVIL ACTION NO. <b>3:CV-05-1134</b>
	:	
Plaintiff	:	
	:	
v.	:	Magistrate Judge Blewitt
	:	
MERICLE DEVELOPMENT CORP., et al.,	:	
	:	
Defendants	:	

**ORDER AND JUDGMENT**

**AND NOW**, this 5<sup>th</sup> day of **February, 2007**, based on the foregoing Memorandum, **IT IS HEREBY ORDERED THAT:**

1. The Defendants' Motion for Summary Judgment (**Doc. 31**) is **GRANTED IN PART AND DENIED IN PART.**

Defendants' Motion is granted with respect to Count I of the Amended Complaint, ADA claims against Defendant Mericle, and Count III, PHRA claims against Defendants Mericle and Rothery. Judgment is entered in favor of Defendant Rothery and against Plaintiff. Judgment is entered in favor of Defendant Mericle and against Plaintiff with respect to the PHRA claims.

Defendants' Motion is denied with respect to the FMLA interference and retaliation claims, Count II, as against Defendant Mericle.

2. **IT IS FURTHER ORDERED THAT** Plaintiff's Motion for Partial Summary Judgment with respect to his FMLA claims (**Doc. 32**) is Denied.<sup>1</sup>

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<sup>1</sup>We shall schedule a pre-trial conference with respect to the remaining FMLA claims against Defendant Mericle forthwith.

3. Plaintiff's claims for damages for emotional distress, embarrassment and humiliation under the FMLA are dismissed.

s/ Thomas M. Blewitt  
**THOMAS M. BLEWITT**  
**United States Magistrate Judge**

**Dated: February 5, 2007**